

# INSTRUCTIONS

## PUBLIC NOTICES OF RESPONSE ACTION STATUS

**Introduction:** M.G.L. c. 21E and the revised Massachusetts Contingency Plan (310 CMR 40.0000, the "MCP") require that the public is informed about both the status of response actions at disposal sites, and the opportunities for becoming involved in planning for cleanup. Subpart N of the revised MCP (310 CMR 40.1403) requires that legal notices be published in newspapers which serve the community in which a site is located, to inform the public about specific milestones in a response action, activities that will be conducted at a site, the results of site investigations, and opportunities to become involved in planning for cleanup.

This kit contains nine forms to be used for the legal notices required by the revised MCP. These legal notices must be used to announce:

- 1) Classification of a site as Tier I and an application for a permit to conduct response actions
- 2) Reclassification of a site as Tier I and application for a permit to conduct response actions
- 3) Application for a Major Permit Modification
- 4) Application to Transfer a Waste Site Cleanup Permit
- 5) Application for an Extension of a Waste Site Cleanup Permit
- 6) Classification of a site as Tier II
- 7) A Public Involvement Plan meeting
- 8) An Activity and Use Limitation for property affected by a site
- 9) Amendment, release or termination of an Activity and Use Limitation

This kit also contains forms for notices that must be placed in the Environmental Monitor to comply with the Massachusetts Environmental Policy Act:

- 10) Notice of a Remedial Action Plan
- 11) Notice of a Remedy Implementation Plan

### General Instructions for Legal Notices

➤ Each notice requires that site-specific information must be inserted into the form at specific locations. These locations are noted in **bold type**. All site-specific information must be typed or wordprocessed (Newspapers do not generally accept legal notices that are not typed).

➤➤ In the title block, the specific **SITE NAME**, **SITE ADDRESS**, and **RELEASE TRACKING NUMBER** must be inserted.

➤➤ Additional site-specific information must be entered or selected from within brackets, [ ], as appropriate. This information includes the type of site classification, dates of submittals and deadlines for public comments, names and addresses of the person conducting the response action and Licensed Site Professional(s), and the location and contact information for the appropriate DEP Regional Office (See attached sheet for DEP Office listings).

➤ All legal notices must be published in a newspaper which circulates in the community(ies) in which the disposal site is located. If appropriate, legal notices must also be published in newspapers which circulate in

any other communities which are (or are likely to be) affected by the disposal site. Either daily or weekly newspapers may be selected. The choice of newspaper should consider the area in which the newspaper circulates, to ensure that the legal notice will be available in the community(ies) in which the disposal site is located.

➤ Copies of all legal notices must be sent to the appropriate DEP Regional Office, and to the chief municipal officer and board of health for the community in which the disposal site is located within specific timeframes. Exhibit 1 summarizes the requirements for providing copies of specific legal notices to local officials.

### **Environmental Monitor Notices**


➤ To comply with the Massachusetts Environmental Policy Act, notices of two milestones in the response action process at Tier I sites must be published in the Environmental Monitor. These are the Notice of Remedial Action Plan and Notice of Remedy Implementation Plan, and are included in this kit.

➤ To publish these notices, send the completed form to the **Executive Office of Environmental Affairs, 251 Causeway Street, Suite 900, Boston MA 02114, Attention: MEPA Unit**. Deadlines for publication are the 15th and last day of each month. The Environmental Monitor is available 7-10 days after each publication deadline. Please address questions about this publication to the MEPA Unit, Telephone: 617/727-9800

### **Additional Information Required in Legal Notices**

➤ Several legal notices in this kit require that additional site specific information be inserted where the diamond symbol (◆) is located. This information pertains to specific response actions (e.g., alteration of a permit) and their rationale.

**EXHIBIT 1**  
**SUMMARY OF PUBLIC NOTICE FILING REQUIREMENTS**

Type of Notice	Deadlines for Newspaper Publication	Copies Filed With
>>Legal Notice of Initial Site Investigation/ Permit Application	>>within & days of filing Tier Classification with DEP	>>Chief Municipal Officer >>Board of Health (at least 3 days prior to publication) >> <u>Environmental Monitor</u> (MEPA)
>>Legal Notice of Initial Site Investigation/Tier II Classification  >>Legal Notice of Tier Reclassification	>>within 7 days of filing Tier Classification with DEP	>>Chief Municipal Officer >>Board of Health (at least 3 days before Legal Notice is submitted for publication)
>>Legal Notice of Application for Permit Modification  >>Legal Notice of Application for Permit Transfer  >>Legal Notice of Application for Permit Extension	>>prior to submittal of application to DEP	>>Chief Municipal Officer >>Board of Health (at least 3 days before Legal Notice is submitted for publication)
>>Legal Notice of Grant of Environmental Restriction  >>Legal Notice of Activity and Use Limitation	>>within 30 days of recording an original, amended, released, or terminated deed restriction or notice	 >>Chief Municipal Officer >>Board of Health >>Zoning Official >>Building Code Official (within 30 days of recording)
>>Legal Notice of Public Involvement Plan Meeting	>>at least 14 days before the meeting	>>Chief Municipal Officer >>Board of Health >>Each petitioner
>>Notice of Remedial Action Plan >>Notice of Remedy Implementation Plan		>> <u>Environmental Monitor</u>

(FORM #1)

**NOTICE OF INITIAL SITE INVESTIGATION AND  
WASTE SITE CLEANUP PERMIT APPLICATION**

**SITE NAME  
SITE ADDRESS  
RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0480), an Initial Site Investigation has been performed at the above referenced location.

A release of oil and/or hazardous materials has occurred at this location which is a disposal site (as defined by M.G.L. c. 21E, Section 2). This site has been classified as **Tier I [A, B, C]** (310 CMR 40.0500), and an **Initial Tier I [A, B, C] Permit application** is being submitted on **[DATE]** to the Department of Environmental Protection (DEP) pursuant to 310 CMR 40.0703. A permit is required to proceed with a Comprehensive Remedial Responses at all Tier I sites.

Anyone interested in reviewing the permit application should notify DEP by writing to **[DEP, BUREAU OF WASTE SITE CLEANUP, PERMIT SECTION]** at **[REGIONAL OFFICE ADDRESS]** by **[DATE]**. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the Tier I permit application, DEP will conduct a public comment review period of twenty (20) days which shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with respect to this application, pursuant to 310 CMR 40.0770(2).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.

(FORM #2)

**NOTICE OF SITE RECLASSIFICATION**

**SITE NAME**  
**SITE ADDRESS**  
**RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0480), an Initial Site Investigation has been performed at the above referenced location.

A release of oil and/or hazardous materials has occurred at this location which is a disposal site (as defined by M.G.L. c. 21E, Section 2). This site has been reclassified as **Tier I [A, B, C]** (310 CMR 40.0500), and a **Tier I [A, B, C] Permit application** is being submitted on **[DATE]** to the Department of Environmental Protection (DEP) pursuant to 310 CMR 40.0703. A permit is required to proceed with a Comprehensive Remedial Responses at all Tier I sites.

Anyone interested in reviewing the permit application should notify DEP by writing to **[DEP, BUREAU OF WASTE SITE CLEANUP, PERMIT SECTION]** at **[REGIONAL OFFICE ADDRESS]** by **[DATE]**. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the Tier I permit application, DEP will conduct a public comment review period of twenty (20) days which shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with respect to this application, pursuant to 310 CMR 40.0770(2).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.

(FORM #3)

**NOTICE OF AN APPLICATION FOR  
A MAJOR PERMIT MODIFICATION**

**SITE NAME**  
**SITE ADDRESS**  
**RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0703), an application for a **Major Permit Modification** is being submitted to the Department of Environmental Protection (DEP) for the above referenced site on [DATE]. The application proposes the following modifications and rationale:



Anyone interested in reviewing the Major Permit Modification application should notify DEP by writing to **[DEP, BUREAU OF WASTE SITE CLEANUP, PERMIT SECTION]** at **[REGIONAL OFFICE ADDRESS]** by [DATE]. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the application, DEP will conduct a public comment review period of twenty (20) days which shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with respect to this application, pursuant to 310 CMR 40.0770(2).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.

(FORM #4)

**NOTICE OF APPLICATION TO TRANSFER A WASTE SITE CLEANUP  
PERMIT**

**SITE NAME  
SITE ADDRESS  
RELEASE TRACKING NUMBER**

The Department of Environmental Protection granted a Waste Site Cleanup Tier I Permit to [NAME] for comprehensive response actions at this site on [DATE]. Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0703), an application for a **Permit Transfer** is being submitted to the Department of Environmental Protection (DEP) for the above referenced site on [DATE]. The application proposes to transfer this permit to [NAME].

If this Permit Transfer is approved, [NAME] will take over comprehensive response actions for the above site. Anyone interested in reviewing the Permit Transfer application should notify DEP by writing to **[DEP, BUREAU OF WASTE SITE CLEANUP, PERMIT SECTION]** at **[REGIONAL OFFICE ADDRESS]** by [DATE]. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the application, DEP will conduct a public comment review period of twenty (20) days which shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with respect to this application, pursuant to 310 CMR 40.0770(2).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact [NAME, TITLE, ORGANIZATION NAME, ADDRESS] at [TELEPHONE NUMBER].

(FORM #5)

**NOTICE OF APPLICATION FOR AN EXTENSION OF  
A WASTE SITE CLEANUP PERMIT**

**SITE NAME**  
**SITE ADDRESS**  
**RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0703), an application for a **Permit Extension** is being submitted to the Department of Environmental Protection (DEP) for this site on **[DATE]**. DEP issued a Tier I permit for this site on **[DATE]**. The application proposes to extend the permit for this site to **[DATE]** for the following rationale:



Once a site has been classified as Tier I, a permit is required to proceed with a Comprehensive Remedial Response Process. Anyone interested in reviewing the Permit Extension application should notify DEP by writing to **[DEP, BUREAU OF WASTE SITE CLEANUP, PERMIT SECTION]** at **[REGIONAL OFFICE ADDRESS]** by **[DATE]**. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the application, DEP will conduct a public comment review period of twenty (20) days which shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with respect to this application, pursuant to 310 CMR 40.0770(2).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.



**(FORM #6)**

**NOTICE OF AN INITIAL SITE INVESTIGATION AND  
TIER II CLASSIFICATION**

**SITE NAME  
SITE ADDRESS  
RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0480), an Initial Site Investigation has been performed at the above referenced location.

A release of oil and/or hazardous materials has occurred at this location which is a disposal site (defined by M.G.L. c. 21E, Section 2). This site has been classified as **Tier II**, pursuant to 310 CMR 40.0500. Response actions at this site will be conducted by [NAME] who has employed [NAME OF LSP] to manage response actions in accordance with the Massachusetts Contingency Plan (310 CMR 4.0000).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact [NAME, TITLE, ORGANIZATION NAME, ADDRESS] at [TELEPHONE NUMBER].

**(FORM #7)**

**NOTICE OF A PUBLIC INVOLVEMENT PLAN MEETING**

**SITE NAME  
SITE ADDRESS  
RELEASE TRACKING NUMBER**

The **[ORGANIZATION NAME]** received a petition from residents in **[LOCATION(s)]** requesting this location be designated as a Public Involvement Plan site, in accordance with MGL c.21E §14(a). This law requires that, upon receiving such a petition, a plan for involving the public in decisions regarding remedial response actions must be prepared and a public meeting to present the proposed plan held.

The **[ORGANIZATION NAME]** designated this site as a Public Involvement Plan (PIP) site on **[DATE]**. A public meeting will be held at **[LOCATION]** on **[DATE]** to present the draft Public Involvement Plan, and to provide an update on planning for remedial actions at the site. Copies of the draft Public Involvement Plan will be made available at the meeting.

Any questions regarding this meeting or the Public Involvement Plan should be directed to **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE #]**.

(FORM #8)

**NOTICE OF AN ACTIVITY AND USE LIMITATION**

**SITE NAME**

**SITE ADDRESS**

**RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.1073), a **[GRANT OF ENVIRONMENTAL RESTRICTION or NOTICE OF ACTIVITY AND USE LIMITATION]** on the above disposal site has been recorded and/or registered with the **[ENTITY]** on **[DATE]**.

The **[GRANT OF ENVIRONMENTAL RESTRICTION or NOTICE OF ACTIVITY AND USE LIMITATION]** will limit the following site activities and uses on the above property:

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Any person interested in obtaining additional information or reviewing the **[GRANT OF ENVIRONMENTAL RESTRICTION or NOTICE OF ACTIVITY AND USE LIMITATION]** and the disposal site file may contact **[PROPERTY OWNER/PRP, ADDRESS]** at **[TELEPHONE NUMBER]**.

**(FORM #9)**

**NOTICE OF [AMENDMENT, RELEASE, or TERMINATION] OF AN  
ACTIVITY AND USE LIMITATION**

**SITE NAME  
SITE ADDRESS  
RELEASE TRACKING NUMBER**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.1073), the  
**[GRANT OF ENVIRONMENTAL RESTRICTION or NOTICE OF  
ACTIVITY AND USE LIMITATION]** on the above **[TIER I (A,B,C) or TIER II]**  
disposal site which was recorded and/or registered with the **[ENTITY]** on **[DATE]**  
was **[AMENDED, RELEASED, or TERMINATED]** on **[DATE]**.

The modification(s) to the **[GRANT OF ENVIRONMENTAL  
RESTRICTION or NOTICE OF ACTIVITY AND USE LIMITATION]** is as  
follows:



Any person interested in obtaining additional information or reviewing the  
**[AMENDED, RELEASED or TERMINATED] [GRANT OF  
ENVIRONMENTAL RESTRICTION or NOTICE OF ACTIVITY AND USE  
LIMITATION]** and the disposal site file may contact **[PROPERTY OWNER/PRP,  
ADDRESS]** at **[TELEPHONE NUMBER]**.

**(FORM #10)**

**NOTICE OF A REMEDIAL ACTION PLAN**

**SITE NAME**

**SITE ADDRESS**

**RELEASE TRACKING NUMBER**

A **Remedial Action Plan** (310 CMR 40.0861) has been developed for this site pursuant to the Massachusetts Contingency Plan (310 CMR 40.1406). This disposal site was classified as Tier I on **[DATE]** and granted a Waste Site Cleanup Permit on **[DATE]**.

The **Remedial Action Plan** proposes the following measures to respond to a release of oil and/or hazardous material at this disposal site:



M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.

(FORM #11)

**NOTICE OF A REMEDY IMPLEMENTATION PLAN**

**SITE NAME**

**SITE ADDRESS**

**RELEASE TRACKING NUMBER**

A **Remedy Implementation Plan** (310 CMR 40.0874) has been developed for the above site pursuant to the Massachusetts Contingency Plan (310 CMR 40.1406). This disposal site was classified as Tier I on **[DATE]** and granted a Waste Site Cleanup Permit on **[DATE]**.

The **Remedy Implementation Plan** proposes the following measures to respond to a release of oil and/or hazardous material at this disposal site:



M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **[NAME, TITLE, ORGANIZATION NAME, ADDRESS]** at **[TELEPHONE NUMBER]**.